IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICITON

WRIT PETITION NO.6066 of 2006

Dr.M.A. Waseem Rizwi .. Petitioner.

Versus

Union of India & Others .. Respondents.

Mr.Vinod Kothari with Mr.Abhijeet Khade i/by M/s.Apex Law Partners for the petitioner.

Mr.A.J. Rana, senior advocate with Mr.Y.R. Mishra i/by Mr.H.P. Chaturvedi for the respondents.

CORAM : H.L. GOKHALE, &
J.P. DEVADHAR, JJ.

DATED : 11TH OCTOBER, 2006.

P.C. :

1. Mr.Vinod Kothari appears for the petitioner.

2. The petition is seeking to challenge the order passed by the Customs, Excise and Service Tax Appellate Tribunal dated 19th May, 2006, whereby the petitioner has been directed to make pre-deposit of 50% of the customs duty amount. That was to be done within 12 weeks. That was an order granting restoration of the appeal which had come to be dismissed for not making the pre-deposit. This period has also expired. In any case, today an affidavit of the petitioner has been filed accepting that the petitioner will deposit this amount of Rs.9,00,000/- in a particular manner. In this affidavit, he has

stated that he will deposit an amount of Rs.4,00,000/- and give a bank guarantee of any nationalised bank of Rs.5,00,000/- to the Tribunal within eight weeks from today.

3. Mr.Mishra appearing for the respondents with Mr.A.J. Rana has left it to the Court to pass an appropriate order.

4. In the circumstances, in view of this affidavit of the petitioner, we grant this time of eight weeks from today i.e. until 6th December, 2006 to comply with the conditions. By that date he must deposit this amount of Rs.4,00,000/- and give a bank guarantee of Rs.5,00,000/- of any nationalised bank. If he does so, the deposit as well as the bank guarantee will be received and the appeal will stands restored to the file of the Tribunal. Obviously, in the event either of these two conditions are not complied with, the order of the Tribunal will come into force and the appeal will be marked as dismissed.

5. The petition stands disposed of in above terms with no order as to costs.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR, J.)